

TIMOTHY EVANS,)
)
Plaintiff,)
)
v.) No. 4:07CV1580 CEJ
)
MIKE KEMNA,)
)
Defendant.)

The plaintiff has filed a proposed complaint asserting a claim pursuant to 28 U.S.C. § 1983. The complaint is not accompanied by the statutory filing fee, nor has plaintiff requested to proceed without paying the filing fee by submitting a form “Motion to Proceed In Forma Pauperis and Affidavit in Support -- Prisoner Cases” along with a certified copy of his inmate trust fund account statement for the six-month period immediately preceding the submission of his complaint. See 28 U.S.C. § 1915 (a) (1)-(2).

The plaintiff will be required to either pay the filing fee or submit the required *in forma pauperis* documents no later than October 17, 2007. The case cannot proceed until the fee is paid or an order is entered granting plaintiff leave to proceed in forma pauperis. If plaintiff does not meet the above deadline, the case will be

dismissed.

Accordingly,

IT IS HEREBY ORDERED that the Clerk of Court shall not issue process or cause process to be issued upon the complaint at this time.

IT IS FURTHER ORDERED that the Clerk shall provide plaintiff with a form “Motion to Proceed In Forma Pauperis and Affidavit in Support -- Prisoner Cases.”

IT IS FURTHER ORDERED that plaintiff shall, **no later than October 17, 2007**, either pay the statutory filing fee of \$350 **or** submit a completed form “Motion to Proceed In Forma Pauperis and Affidavit in Support -- Prisoner Cases” along with a certified copy of his inmate trust fund account statement for the six-month period immediately preceding the submission of the complaint on August 30, 2007.¹

IT IS FURTHER ORDERED that if plaintiff fails to either pay the filing fee or to submit a form “Motion to Proceed In Forma Pauperis and Affidavit in Support -- Prisoner Cases” along with a certified copy of his inmate trust fund account statement by October 17, 2007, the Court will dismiss this action without further proceedings.

See Fed. R. Civ. P. 41(b).

¹When requesting a certified copy of his inmate trust fund account statement, plaintiff is instructed to inform the Department of Corrections that the account statement must include all activity on his account during the six-month period preceding the submission of his complaint on August 30, 2007.

IT IS FURTHER ORDERED that if plaintiff files the documents necessary to proceed *in forma pauperis*, the Clerk shall cause this action to be resubmitted to the Court for review under 28 U.S.C. § 1915.

Dated this 17th day of September, 2007.

A handwritten signature in black ink, reading "Carl E. Jackson", is written over a horizontal line.

UNITED STATES DISTRICT JUDGE